IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTYFIFTH DAY OF JANUARY

TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE.

AND

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No.149 of 2005

(Writ Appeal under Clause 15 of the Letters patent against the order dated 18-11-2004 in W.P.No.20949 of 2003 on the file of the High Court.)

Between:

Sakamuri Sudhakar, S/o Venkata Subbaiah,

Aged about 36 years, Occ: business,

R/o Chinnapalem, Duggirala Mandal,

Guntur District.

….. APPELLANT

AND

1. Smt. G.Vijayalakshmi, w/o late G.V.Dharma Rao,

Aged about 66 years, Occ: Business,

R/o 2-2-194, Nehrunagar, Near Naim Nagar,

Hanamakonda, Warangal Disrict,

Presently R/o Flat No.S-2,

Sadanand Enclave, Kachiguda,

Hyderabad.

2. The Chairman Indian Oil Corporation, Regd Office G-9,
Ali Yavarjung Marg, East Mumbai.
3. The Deputy General Manager (Marketing)
Indian Oil Corporation Ltd., Southern Region,
139, Nungambakkam Ring Road, Chennai.
4. The Chief Divisional Manager, Indian Oil Corporation Ltd.,

Divisional Office: 126, S.D. Road, Secunderabad.

5. The Senior Divisional Manager, Indian Oil Corporation Ltd.,
Hyderabad
6. The Manager (Retail) Indian Oil Corporation Ltd.,

Secunderabad

…..RESPONDENTS

Counsel for the Appellant : Sri A.Ravinder Reddy

Counsel for the Respondent No.1 : Sri T.Bheemsen

Counsel for Respondents No.2 to 6 : Sri P.V.Sanjay Kumar

Standing Counsel for Indian Oil Corpn.

The Court made the following:

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

We have heard learned counsel for the parties. Appellant was not a party to the writ petition. Writ Petition was filed by the first respondent. Writ Petition was disposed of with the observation that there cannot be any objection for the competent authority to consider the request of the writ petitioner based upon the Will and even if the rival claim is put-forth for the dealership, it is always open for the competent authority to consider such rival claim as well as the Will produced by the writ petitioner and decide the matter.

Appellant is the husband of deceased dealer, aggrieved by the said order. According to him, the Will is a forged one. Since appellant was not a party to the writ petition and none of the rights of appellant is affected, we are not interfering with the merits of the case, but would dispose of the appeal with the observation that the competent authority may not take the order of the learned single Judge as if the Will propounded by the writ petitioner stands proved. In case the Will is set up by any person and any objection is raised about its validity or legality thereof, it will be for the person propounding the will to establish the same in accordance with law.

Writ Appeal stands disposed of accordingly.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

25-01-2005

bsc

To

1. The Chairman Indian Oil Corporation, Regd Office G-9,
Ali Yavarjung Marg, East Mumbai.
2. The Deputy General Manager (Marketing)
Indian Oil Corporation Ltd., Southern Region,
139, Nungambakkam Ring Road, Chennai.
3. The Chief Divisional Manager, Indian Oil Corporation Ltd.,

Divisional Office: 126 S.D. Road, Secunderabad.

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Hyderabad
5. The Manager (Retail) Indian Oil Corporation Ltd.,

Secunderabad

6. 2 CD copies